

DALE LOOMIS,)	AGBCA No. 2001-166-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Dale Loomis)	
P. O. Box 402)	
Donnelly, Idaho 83615)	
)	
Representing the Government:)	
)	
Elise Foster, Esquire)	
Office of the General Counsel)	
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507 25 th Street, Room 205)	
Ogden, Utah 84401)	

DECISION OF THE BOARD OF CONTRACT APPEALS

April 12, 2002

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of an Emergency Rental Agreement No. OF-294, Burgdorf Fire, Payette National Forest, between Dale Loomis of Donnelly, Idaho, and the U. S. Department of Agriculture, Forest Service (FS), Southwest Idaho/Nevada Acquisition Office, Boise National Forest, Boise, Idaho. The Board docketed the appeal on August 20, 2001.

The Board has jurisdiction of this timely-filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. ' ' 601-613, as amended.

The dispute involved damages to Appellant's vehicle in the sum of \$264.60, damages which Appellant alleged were caused because of extremely rough conditions in the area in which he was required to make deliveries. Given the small amount of the claim, the Board dispensed with pleadings and advised the parties that upon designation of a Government attorney the Board would conduct a conference call. Thereafter, when Appellant initially failed to respond, the Board sent a second letter. During the time period between the two letters, the parties engaged in discussions and

settled the appeal. Under cover of a February 11, 2002, facsimile, the FS forwarded a signed settlement agreement between the parties.

DECISION

Pursuant to the settlement agreement, the appeal is dismissed with prejudice.

HOWARD A. POLLACK
Administrative Judge

Concurring:

JOSEPH A. VERGILIO
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
April 12, 2002